



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/923,443	09/04/97	BURNS P	6649-101

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PM31/0224

EXAMINER

KANG, T

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 02/24/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/923,443

Applicant(s)
Burns

Examiner
Timothy Kang

Group Art Unit
3621



☒ Responsive to communication(s) filed on Sep 4, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

The following first office action is responsive to application serial number 08/923,443, filed on September 4, 1997, by Peter Robert Burns.

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Australia on September 4, 1996. It is noted, however, that applicant has not filed a certified copy of the Australian application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but **must be submitted in a separate paper.**" Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

3. New formal drawings are required in this application because of the objections recited on the PTO Form 948, attached herewith. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the Patent and Trademark Office no longer prepares new drawings.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Peterson 2,662,342.

Peterson discloses the elements of applicant's claimed invention, including, three parallel tines attached to a mounting member (Fig. 1), a compression member (6) adjacent first ends of the tines and lying in a plane parallel to the tines (Fig. 2), and said compression member comprising a planar member (16) extending transversely over the tines (Fig. 2). Regarding the attachment means, Peterson also meets this limitation since, for example, element 10 could perform the function of securing an anchor line.

6. Claims 1, and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hart 5,360,189.

Hart discloses the elements of applicant's claimed invention, including, two substantially parallel tines (10), attachment means (11), and a compression member (in figure 1, the upper connection between the tines 10). Hart also shows a stabilizing member (11) extending substantially perpendicular to the plane of the tines (Fig. 1) and that the stabilizing member is pivotally attached to the mounting member for movement between a retracted position and an extended position (Fig. 3).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auspos 5,713,546, in view of Hart 5,360,189.

Auspos discloses the elements of applicant's claimed invention, including, attachment means (41), a compression member (81), a pivotally attached stabilizing member (20), and said

stabilizing member comprising a plate-like member and an arcuate member (Fig. 2). Auspos does not disclose that the invention comprises two or more tines.

Hart discloses an anchor comprising two parallel spaced tines (Fig. 1). Hart is evidence that one of ordinary skill in the art recognize the benefit of providing two or more tines to an anchor. It would have been obvious to one having ordinary skill in the art to modify the invention of Auspos by providing the two tines as taught by Hart since having more tines on the invention provides a more stable and stronger anchorage in the sand.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sasur 4,026,094; Osthus 4,343,449; Danieli 4,756,128; Nauman 4,913,428; Dupre et al. 5,048,240; Jarrett. Sr. 5,113,627; British Patent 129,762.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Kang whose telephone number is (703) 308-2168. The examiner can normally be reached on Monday thru Friday from 8:00 a.m. to 4:30 p.m. Any other questions or concerns can be directed to the group receptionist who can be reached at (703) 308-2168.



LANNA MAI
PRIMARY EXAMINER
GROUP 3500

TBL
T.B.K.

February 16, 1998